No. 4 Orig.

Office Supreme Court U. S.
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JAMES H. McKENNEY,
Clerk.

Motion & Stipulation.

Supreme Court of the United States.

OCTOBER TERM, 1902.

Filed Nov. 10, 1902.

No. 4, Original.

THE STATE OF MISSOURI, COMPLAINANT,

vs.

THE STATE OF ILLINOIS ET AL.

MOTION FOR APPOINTMENT OF FRANK S. BRIGHT AS SPECIAL COMMISSIONER TO TAKE TESTIMONY, AND STIPULATION AS TO SAME.

H. J. HAMLIN,
JAMES TODD,
P. C. HALEY,
JOHN G. DRENNAN, AND
WM. M. SPRINGER,
Attorneys for Defendants.

CHARLES W. BATES,
Attorney for Complainant.

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C. 4733

Supreme Court of the United States

OCTOBER TERM, 1902.

No. 4, Original. In Equity.

THE STATE OF MISSOURI, COMPLAINANT,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, DEFENDANTS.

MOTION FOR APPOINTING A COMMISSIONER TO TAKE TESTIMONY.

Now come the plaintiff and defendants in the above-entitled cause, by their attorneys respectively, and move the court that Mr. Frank S. Bright be appointed a special commissioner, under the rules of the court relating to masters in chancery, to take the testimony in this case and to report the same to the court, without findings of fact or his conclusions of law.

STATE OF MISSOURI,
By CHAS. W. BATES, *Its Attorney.*
STATE OF ILLINOIS,
By H. J. HAMLIN, *Attorney General.*
THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD and
P. C. HALEY,
JOHN G. DRENNAN,
WM. M. SPRINGER,
Its Attorneys.

[Endorsed:] Supreme Court U. S., October term, 1902. Term No. 4, original. The State of Missouri, complainant, vs. The State of Illinois *et al.* Motion for appointment of Frank S. Bright as special commissioner to take testimony. Filed Nov. 10, 1902.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1902. IN EQUITY.

THE STATE OF MISSOURI, *Complainant*,
vs.
THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants*. } No. 4. Original.

STIPULATION AS TO TAKING OF TESTIMONY.

Now come the plaintiff and defendants in the above-entitled case, by their attorneys respectively, and submit to this honorable court that an order may be entered in this case as follows:

Ordered by the court, That Mr. Frank S. Bright, a member of this bar and resident of the District of Columbia, be appointed a commissioner to take the testimony in this case; that the taking of testimony will begin on the first day of December, 1902, at such place as counsel for the plaintiff may indicate, notice of ten days as to the place to be furnished the counsel for the defendants; that the taking of such testimony for and on behalf of plaintiff may continue until the first day of March, A. D. 1902, at which time the plaintiff

shall conclude the taking of such testimony; that thereafter, commencing on the first day of March, 1902, the testimony in behalf of defendants shall be taken and shall be concluded on or before the first day of June, A. D. 1902. Ten days' notice as to the place where said testimony for the defendant shall be taken shall be given to counsel for the plaintiff; that thereafter rebutting testimony on behalf of the plaintiff may be taken at such place as counsel for plaintiff may indicate, five days' notice being given to counsel for defendant as to the place where such rebutting testimony shall be taken, plaintiff being required to conclude the taking of such rebutting testimony on or before the fifteenth day of June, A. D. 1902. The defendants shall then conclude the taking of any further testimony on or before the first day of July, A. D. 1902, at which time all of the testimony in said case shall be concluded.

One-half of the compensation and expenses of the commissioner shall be advanced by the plaintiff and one-half by the defendant The Sanitary District of Chicago, and each side shall pay such fees to its witnesses as may be necessary to secure their attendance, but not exceeding the fees allowed by law in such cases, the costs of the case to be taxed by the court on the final disposition of the case, to be paid in such manner as the court may at that time determine.

The commissioner shall be allowed twenty dollars per day for his compensation and his actual traveling and hotel expenses, an itemized statement of which shall be submitted to the court in his final report. He shall report to the court a stenographic copy of the testimony taken by him, to be furnished to him by the parties to the suit, but he shall not report any findings of facts or his conclusions of the law.

The said commissioner shall have the powers and perform the duties of a master in chancery as provided in rules of this court, and said rules shall apply in all respects to the proceedings to be taken under this order.

All of which is respectfully submitted.

STATE OF MISSOURI,
By CHAS. W. BATES, *Its Attorney.*
STATE OF ILLINOIS,
By H. J. HAMLIN, *Attorney General.*
THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD and
P. C. HALEY,
JOHN G. DRENNAN,
WM. M. SPRINGER,
Its Attorneys.

[Endorsed:] Supreme Court U. S., October term, 1902. Term No. 4, original. The State of Missouri, complainant, *vs.* The State of Illinois *et al.* Stipulation as to appointment of commissioner and as to taking testimony. Filed Nov. 10th, 1902.

FILE COPY.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1903.

Office Supreme Court U. S.
FILED
OCT 13 1903
JAMES H. McKENNEY,
Clerk.

THE STATE OF MISSOURI,
Complainant,

vs.

THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO,
Defendants.

IN EQUITY.

No. 4 ORIGINAL.

MOTION AND STIPULATION AS TO THE TAKING OF TESTIMONY.

STATE OF MISSOURI,
By EDWARD C. CROW, ATTORNEY GENERAL,
SAM. B. JEFFRIES, ASSISTANT ATTORNEY GENERAL,
WILLIAM F. WOERNER,
Of Counsel for Complainant.

STATE OF ILLINOIS,
By H. J. HAMLIN, ATTORNEY GENERAL.

THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD,
JOHN G. DRENNAN,
WILLIAM M. SPRINGER,
Attorneys for The Sanitary District of Chicago.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1903.

THE STATE OF MISSOURI, *Complainant,* *vs.* THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.*	IN EQUITY. No. 4 ORIGINAL.

MOTION TO EXTEND THE TIME FOR TAKING TESTIMONY.

Comes now WILLIAM M. SPRINGER, of counsel for defendants in the above entitled cause, and submits to the court herewith a stipulation signed by the counsel for complainant and defendants, respectively, asking an extension of the time for taking the testimony in said cause, and moves the court to enter an order in conformity with said stipulation for the reasons stated therein.

WILLIAM M. SPRINGER,
Attorney for Defendants.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1903.

THE STATE OF MISSOURI, *Complainant,*	
vs.	IN EQUITY.
THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.*	No. 4 ORIGINAL.

STIPULATION AS TO THE TAKING OF TESTIMONY.

Now come the complainant and the defendants in the above entitled cause, by their attorneys, respectively, and by agreement submit to this court that the order heretofore entered in this case requiring the taking of testimony in this case to be closed and the testimony submitted to the court on the first day of this term, be rescinded, and an

order entered requiring counsel to conclude the taking of testimony at the earliest time practicable, not later than January 1, 1904; and that when all the testimony is taken the special commissioner, Frank S. Bright, Esq., may be directed to report the same to this honorable court without any findings of fact or conclusions of law.

The reasons for asking this further extension of time are as follows:

1. The attorney general and the assistant attorney general of Missouri, who represent the complainant, were compelled to ask delays in the taking of testimony, on account of other business of the state which imperatively required their attention, and were not able to conclude complainant's testimony in chief until July 6, 1903.

2. That defendants began the taking of testimony in their behalf on the 10th day of July, and continued without interruption until the 24th day of that month. At that time, on account of pressing engagement of counsel for complainant, a postponement was agreed upon until August 10th, at which time the taking of testimony was renewed and continued until August 18th, at which time another postponement was agreed upon on account of the pressing engagements of counsel for complainant.

3. The great flood in the month of June last prevented communication with St. Louis for two or three weeks.

4. The amount of testimony which has been taken, and which will be taken hereafter far exceeds the expectations of counsel at the beginning of the litigation.

5. In view of the facts above set forth, it will be utterly impossible for defendants to conclude the taking of their testimony in chief at the time the court convenes for the

October term, 1903, even if it is continued from day to day without any interruption.

All of which is respectfully submitted.

THE STATE OF MISSOURI,
By EDWARD C. CROW,
Attorney General of Missouri.

SAM. B. JEFFRIES,
Assistant Attorney General of Missouri.
For Complainant.

W. F. WOERNER,
C. W. BATES,
Of Counsel,

THE STATE OF ILLINOIS,
By H. J. HAMLIN,
Attorney General.

THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD,
JOHN G. DRENNAN,
WILLIAM M. SPRINGER,
Its Attorneys.

FILE COPY.

IN THE

Supreme Court of the United States.

ORIGINAL NO. 4.

STATE OF MISSOURI, Complainant,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

HERBERT S. HADLEY,
Attorney-General of Missouri.
CHAS. W. BATES,
City Counselor of St. Louis, and
SAM B. JEFFRIES,
Solicitors for Complainant.

W. H. STEAD,
Attorney-General of Illinois.
H. J. HAMLIN,
Solicitor for State of Illinois.
JAMES TODD and JOHN G. DRENNAN,
Solicitors for Sanitary District of Chicago.

THE GUNTHORP-WARREN PRINTING CO., 116 RANDOLPH STREET, CHICAGO

IN THE

Supreme Court of the United States.

ORIGINAL NO. 4.

STATE OF MISSOURI, Complainant,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

And now comes the defendant, the State of Illinois, by W. H. Stead, its Attorney General, and H. J. Hamlin, its solicitor, and the defendant, the Sanitary District of Chicago, by James Todd and John G. Drennan, its solicitors and move the court for an extension of time of thirty days from October 15, 1905, to wit, until November 15, 1905, in which to file brief for defendants in this cause, for the following reasons:

On May 29, 1905, a motion was made by the complainant in this cause, which was agreed to by the defendants, asking that an order be entered as follows:

"That the briefs of the complainant shall be filed with the clerk of the court, and copies thereof shall be

served upon the solicitors of each of the defendants not later than the 30th day of August, 1905.

"That reply briefs of defendant shall be filed with the clerk of the court, and copies thereof served upon the solicitors for complainant not later than the 15th day of October, 1905; and that complainant's reply brief shall be filed with the clerk, and copies served on defendant's solicitors not later than one week before the day set by the court for the hearing of the cause.

"That complainant's Exhibits Nos. 1 to 13, both inclusive, Nos. 21 and 22, and the charts prepared by Professor Keizer, Nos. 23 to 35, both inclusive, and all of Professor Teichman's charts, Nos. 52 to 70, both inclusive, shall be withdrawn by complainant and reproduced, and when reproduced copies thereof shall be served upon the defendants' solicitors, the same to be done on or before the date of the filing of complainant's brief as hereinabove set forth: Provided, however, that any or all of complainant's exhibits not heretofore printed may be withdrawn and reproduced in accordance with the terms hereof."

Complainant's brief was filed and copy thereof served on solicitors for defendants on the day stipulated in the above motion, to wit on the 30th day of August, 1905, but complainant has been unable to have the exhibits referred to reproduced and copies of the same have not as yet been served on solicitors for defendant; this being without the fault of either the complainant or the defendants.

It is now ascertained that it will be impossible to secure said copies of exhibits for about three weeks, the same being in the hands of the engraver and printer.

As it is impossible for defendants to prepare the brief for defendants without copies of the exhibits above referred to, this motion is assented to by the

complainant, as is evidenced by the signatures hereto of its respective solicitors.

W. H. Stead,
Attorney General of Illinois.
H. J. Hamlin,
Solicitor for Illinois.
James Todd,
John G. Drennan,
Solicitors for Sanitary District of Chicago.
Herbert S. Hadley,
Attorney General of Missouri.
Chas. W. Bates,
City Counselor of St. Louis, and
Sam B. Jeffries,
Solicitors for Complainant.